

**MINUTES OF THE MEETING OF THE CITY COUNCIL**

Wichita, Kansas, July 24, 2001  
Tuesday, 9:08 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Lakshmi Kambampati, Hindu, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved

The Minutes of the regular meeting of July 17, 2001, were approved 7 to 0.

**AWARDS AND PRESENTATIONS**

PROCLAMATIONS

Proclamations previously approved were presented.

**UNFINISHED BUSINESS**

DAY REPORTING

**DAY REPORTING CENTER LOCATIONS AND FACILITY.**

Cathy Holdeman

Administrative Services Director reviewed the Item.

Agenda Report No. 01-0785A.

On May 8, 2001, the City Council approved an ordinance regulating the siting of Day Reporting Centers in the City. The ordinance addressed both siting and regulatory criteria for such facilities. The ordinance states the following:

Day Reporting Centers must be located 1,200 feet from an existing facility; day care centers or facilities; public parks or playgrounds; private businesses that primarily serve children and/or youth under the age of 18; public or private preschools, elementary, middle and high schools; residences or agencies that provide on-site services to persons suffering from developmental, physical or mental disabilities; taverns or drinking establishments; adult entertainment establishments; and residential zoning districts.

The ordinance provides authority for the City Council to waive specific distance and separation and spacing requirements.

In addition to the siting and regulatory requirements (listed in the ordinance), facilities are governed by the City Zoning Code. The Code allows Day Reporting Centers in General and Limited Industrial Zoning Districts, only with a conditional use permit.

Staff has been working with the State and its operator, Community Solutions, Inc. (CSI), the private company selected by the Kansas Department of Corrections to manage the Wichita facility, on

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appropriate locations. Nearly 50 sites were considered by a review team. Possible locations were screened to sites considered the best locations.

The City Council at its July 10, 2001, meeting reviewed two sites proposed for a Day Reporting Center: (1) located at Harry and McLean and (2) in the 3400 Block of North Ohio. Both sites are owned by the City of Wichita. The City Council action was to forward both sites to the District Advisory Boards (DABs) as necessary and the Alternative Correctional Housing Advisory Board to provide an opportunity for citizen review and comment.

Two sites, one at Harry and McLean and the other in the 3400 block of North Ohio are proposed for the location of a Day Reporting Center. The following includes a description of the two sites, recommendations of review bodies including DAB IV, DAB VI, and the Alternative Correctional Advisory Board, and City staff's recommendation on a location.

## Description of Harry and McLean Site

Location -	Former heliport site between the County's correctional facility and CMF
Size -	1.5 acres
Owner -	City of Wichita
Zoning -	Light Industrial
Description -	Vacant Land
Utilities -	All Available

Area Description - Fronts on McLean between the County's Work Release facility and the City's Central Maintenance facility. The Big Arkansas provides a buffer for residential to the east. Uses to the north and south are industrial. Immediately west are additional heavy industrial with some residential near Seneca and on Seneca Court, just south and west of the site, across the railroad tracks.

History of Site: In 1913, the original City Prison Farm was constructed at this location. In 1949, the site was improved and the house on the east side of McLean was built for the prison farm supervisor (warden). This facility operated as a prison farm until August 1, 1974, at which time all City prisoners were moved to the Sedgwick County Jail.

From 1974 until 1987, the area was used for a variety of City purposes including Property and Evidence, Housing's Energy Program, and helicopter operations. In 1987 the main structure was leased to Sedgwick County for a work release facility and to accommodate this use, the County made enhancements to the facility. The southern part of the site, where the Day Reporting Center is proposed to be located, has vacant ground where a Day Reporting Facility can be constructed.

## Description of 3400 Block of North Ohio Site

Location -	The South 350 feet of the North 1,080 feet of Lot 1, Block 3, Bridgeport III
Size -	5.03 acres
Owner -	City of Wichita
Zoning -	General Industrial
Description -	Vacant land, fronts Ohio Street on the East side between Metro Truck and Kansas Concrete Cutting and across from Home Oil Company
Utilities -	All Available

Area Description - Located in the City's Bridgeport III Industrial Park. The site has good access from either 29th or 37th Streets North. The area is industrial and manufacturing. A City Park facility for adult soccer is located to the Southwest of this site.

History of Site - In the mid 1970's there was a shortage of ready-to-develop heavy industrial land. The area between the rail corridor (approximately Topeka), Hydraulic, 33rd Street North and one quarter mile north of 37th Street North was developed with a mixture of residential property, vacant land, distribution and heavy industrial uses. Virtually all of the residential properties and many of the commercial tracts were substandard. A program was developed to declare the area slum and blighted and assemble property under Urban Renewal authority. Three areas were assembled: Bridgeport I, II, and III.

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The proposed site is in Bridgeport III, which is located on both sides of Ohio between 33rd and 37th Street North. The assemblage originally consisted of four patted lots totaling 64.46 acres. Today, the City owns only two lots, the proposed site which is 5.03 acres and a 12.57 acre lot to the north of 35th Street North.

Acquisition occurred between 1977 and 1980. The properties were purchased with Federal money through the Urban Renewal Agency. The sites were cleared and replatted in 1980 from the original Allerton Addition to the now Bridgeport 3rd Industrial Addition. Roads, sewers, water and other improvements were constructed by the City and paid for with special assessments. The City paid the special assessments on the lots that were not sold. Special assessments for the subject tract originally totaled \$128,116. The remaining balance is \$749.21 for special assessments due for the year 2001.

Because this property was acquired under the Urban Renewal, use of this site as a Day Reporting Center must be consistent with the Urban Renewal Plan in effect at the time the Bridgeport property was acquired. If the use is not found consistent, the City would be responsible for paying Housing and Urban Development (HUD) the fair market price for this land. Fair market price is approximately \$1.00 per square foot amounting to \$220,000.

## District Advisory Board Actions

District Advisory Board IV and District Advisory Board VI met on July 18, 2001, to review the location of the Day Reporting Centers.

## Summary of Comments from District Advisory Board IV

- Concern that the parolees will use the bike path and adults/children using the path will not be safe (even though the parolees will be wearing global positioning devises)
- Concern that undesirable facilities are located in the Southwest part of town and not in other parts of the City (e.g. Sedgwick County household hazardous waste facility, the existing work release facility and now the Day Reporting Center)
- Concern that parolees from the Day Reporting Center could influence/harm children walking to school
- Concern that this facility will lower their property values
- Concern that there will be a concentration of offenders at this location
- Concern that offenders will remove global positioning devises that track whereabouts
- Presentation of petitions that opposed the Day Reporting Center at the McLean site

District Advisory Board IV voted 6:1 with two others abstaining to recommend Bridgeport as the location for the Day Reporting Center. The individual voting in favor of this location noted its central location, easy accessibility by bus service and its proximity to other support services.

## Summery of Comments from District Advisory Board VI

- Concern that the adult soccer filed is an area where families with small children come to view games
- Concern that children's soccer games could be included at these fields
- Felt that Bridgeport will give citizens a greater sense of security as it is not close to residential properties
- Concern that the Harry and McLean site is not large enough for expansion
- Concern that the Harry and McLean site is not safe for children walking to school
- Support expressed for Harry and McLean due to its availability of mass transportation and proximity to other services such as training and counseling

District Advisory Board VI voted 7:2 with one person abstaining to recommend the Bridgeport site for the Day Reporting Center. Their recommendation included fencing the soccer field for additional safety and that adequate bus service be available for the persons utilizing this facility.

## Alternative Correctional Housing Advisory Board Actions:

The Alternative Correctional Housing Advisory Board met on July 19, 2001, to review and conduct a public hearing on the two proposed locations for the Day Reporting Center: (1) in the 3400 block of North Ohio Street; and (2) Harry and McLean Streets (directly south of the work release facility). Additionally, as required by ordinance, the Board met to serve as an appeal board to conduct a public

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hearing on the denial of license applications at both locations. The Superintendent of Central Inspection must deny the application when the facility does not meet the distance requirements as outlined in the ordinance.

After listening to citizen comments, the Alternative Correctional Housing Advisory Board voted to recommend the McLean site for the location of a Day Reporting Center (3:2). They also voted to recommend waiving the distance requirement to residential zoning districts (4:1) at the McLean site and to recommend waiving the distance requirement (5:0) to a public park associated with the Ohio site.

Staff Recommendations: Based upon the review of the District Advisory Boards and the recommendation to support the Harry and McLean site by the Alternative Correctional Housing Advisory Board, staff recommends siting the Day Reporting Facility at the Harry and McLean location. This recommendation recognizes that a distance waiver is needed due to proximity to residential zoning, however, based upon other conditions the site is found to have other assets not present at the Ohio site.

- The site is centrally located and is easily accessible by bus or other vehicles
- It is in close proximity to the Work Release facility which will result in efficiencies in addressing offender populations
- The possibility exists to explore staffing/operational relationships between the two correctional facilities in the future
- The proximity of the facilities creates opportunities for management and operational efficiencies
- The City's lease with the Work Release facility will expire in the near future creating an opportunity for flexibility in future uses for this facility
- This site will provide for an increased law enforcement presence
- City facilities are next door providing for a good buffer from other land uses and a good neighbor
- The facility is close to other correctional support services like counseling and job training services
- The Police substation (Pawnee and Broadway) is nearby
- The land, owned by the City, was acquired without any restrictions, whereas the Ohio site was purchased through the Urban Renewal Agency and must be consistent with the Urban Renewal Plan in effect at the time. If the use is found to not be consistent, the City would be responsible for paying Housing and Urban Development (HUD) the fair market price for this land (approximately \$1.00 per square foot amounting to \$200,000).
- This site preserves the City's ability to attract an industrial prospect to the Bridgeport Industrial Park
- The facility meets the 1,200 foot distance requirements from school facilities

Facility size requirements for Day Reporting Center are between 8,000 to 10,000 square feet. Based upon preliminary cost estimates, a facility could be constructed for approximately \$800,000. In cooperation with the State of Kansas, it is proposed that the City construct the building and finance the facility with General Obligation Bonds for a term of fifteen years. The bonds would be retired by a monthly lease payment of \$6,500 to be paid by CSI. The lease would be triple net, meaning the lessee is responsible for all costs, including insurance, utilities, maintenance and taxes.

If approved, City staff will work with the Kansas Department of Corrections and CSI to develop necessary agreements that will address long-term funding options needed to retire the debt.

Terri Saiya

Terri Saiya, CSI, responding to questions said clients on parole have violated one or more of their conditions of release. The Day Reporting Center (DRC) hours are 8 a.m. to 8 p.m. Monday through Friday, 8 a.m. to 4 p.m., Saturday, and closed on Sunday. Clients receive individual assessments. There are on-site programs including: job development, substance abuse, life skills, and other services. All clients are monitored via GPS systems, ankle bracelets, and monitoring boxes. There is an ability to exclude zones and time frames. When not on jobs or at the DRC, clients are required to be at their residence during off hours. Violation of stipulations are handled with appropriate action. Clients will not be coming and going at their free will; they will be monitored. Even if performing the required 50 hours of community service, the clients will be under direct supervision.

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Any variety of crimes may have been committed by the clients. These clients are in the community right now. The violations they have committed to be required to report to the DRC are violations of conditions. Sex offenders will also be reporting to the DRC.

CSI will work in conjunction with other community resources. Clients are responsible for bringing food; however, due to long hours, provisions will be made for food on-site, especially for the indigent. Visitors are not allowed at the DRC, unless appropriate programming requires visitors. Clients may drive their own vehicles.

Either site would work well. Differences between the McLean and Bridgeport sites are miniscule.

- Mayor Knight      Mayor Knight inquired whether anyone wished to be heard.
- Lanora Nolan      Lanora Nolan, USD 259 Board of Education, said the Board of Education unanimously agreed that the McLean site would have a negative impact on the area and put children in harms way. Habitual criminals would have access to children from elementary through high school grades. The schools in this area are Title I, low-income. Ms. Nolan urged the Council to look at an industrial area. The Superintendent of Schools agreed and was a part of this decision.
- Mayor Knight      Mayor Knight said could not recall a School Board action when School Staff did not contact City Staff. The McLean site is light industrial. Mayor Knight said he did not agree with the School Board's conclusions. It is unusual to not have Staff to Staff discussion in these instances.
- Council Member Pisciotte      Council Member Pisciotte stated that the City of Wichita was recently used at a National League of Cities meeting as an example of fostering good working conditions. The example used was the School District's major bond issue that had open support from the City of Wichita. School Districts do many things that have no City Council input. It is the responsibility of the City Council to create a safe environment which the City of Wichita City Council does very well.
- Chris Cherches      City Manager said the only conversation he had with the Superintendent of Schools was in regard to the proposed site on Douglas.
- Rosalie Bradley      Rosalie Bradley stated the McLean site is close to bike paths and children walking to and from school. The Bridgeport site is the only site that should be considered. There are no nearby homes, day care centers, schools, or playgrounds.
- Barbara Haynes      Barbara Haynes, McCormick Neighborhood Association, explained that a DRC in the McLean area would be a setback for the McCormick Neighborhood. The DRC would hinder people using the river and river events. There are also several bars on both sides of the river, one of which touches the perimeter of the 1,200 distance. Monitoring is state-of-art; however, it cannot prevent harm from being done to others if the opportunity is presented. Ms. Haynes urged approval of the Bridgeport site.
- Hank (inaudible)      Hank said he had observed that the McLean site was also near Lawrence-Dumont Stadium, ice skating, and Stanley School.
- Joe Cooley      Joe Cooley stated that ankle bracelets can track clients but there is no way to know whether an opportunity for assault may be taken. The Bridgeport site is a better site.
- Paul Sanchez      Paul Sanchez said he wondered whether the vision for the soccer field at Bridgeport will be completed. It had been hoped that, at some point in the future, a youth soccer field could be placed in the Bridgeport area. Perhaps the soccer players need to return to Shell Park. The ways of a hunting dog cannot be changed – can the ways of offenders be changed? Bridgeport seems to meet the criteria but are the needs of the Hispanic youth and adults being considered? It was hoped to move future Hispanic fiestas to the Bridgeport area; however, this will now have to be given more thought.
- Jaime Lopez      Jaime Lopez, Hispanic Coalition (representing 32 organizations) and Soccer League, said placing the DRC in the Bridgeport area will impede the future of soccer. Mr. Lopez asked that the Council consider the ramifications of their decision.

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- Mayor Knight Mayor Knight said there are several million people in prisons. Most eventually go home to some place. Wichita is the home for many. Of the prisoners to be released, many will return to Wichita. Mayor Knight said he would speak as a voice for those who need a second chance. This community needs to figure out how to reintegrate these citizens. They cannot be placed where they will not bother someone. Mayor Knight said he is sensitive to the McLean area residents as he grew up there as a child. He also recalled the old Prison Farm but never felt threatened by it. There is infrastructure in place at the McLean site. The Alternative Correctional Housing Board voted in favor of the McLean site. There is also bus service at the McLean site.
- Council Member Pisciotte Council Member Pisciotte stated that he was unsure the focus has been on the key issue – how best to reintegrate people into society. It is a social responsibility to do it in the best manner. It was previously decided that halfway houses should be placed throughout the community. Some living near the halfway houses are not happy. The McLean site makes sense. The focus should be on prime values – what is right for all citizens.
- Council Member Gale Council Member Gale said both District IV and VI District Advisory Boards recommended the Bridgeport site. The Bridgeport site has bus service and is in a central location. Council Member Gale spoke in support of the Bridgeport site.
- Council Member Martz Council Member Martz said the NIMBY (not in my back yard) concern is used in many issues; however, it is hoped it is not the issue in this case. The distance requirement is almost impossible to follow in any case. Council Member Martz said he supported the Bridgeport location as it meets more of the requirements.
- Council Member Fearey Council Member Fearey stated that it is the policy of the City Council to look to the District Advisory Boards for guidance on issues. Both locations do not meet all of the standards set in the Ordinance. The location near the soccer park is easier to support because children at the soccer field should have adult supervision. There are no children's activities in the area and the clients are not in this location on Sundays. Council Member Fearey said she would like to look at requiring both the adult soccer field and the DRC to be fenced.
- Motion -- Gale moved the Bridgeport site be designated as the DRC site; the license application and waiver of spacing and distance requirements be approved; Staff be authorized to obtain bids for construction and negotiate appropriate agreements; and that both the adult soccer field and DRC facility be fenced.
- carried Motion carried 5 to 2. Pisciotte, Knight – No.

## **NEW BUSINESS**

### **KDOT**

### **PROJECT FUNDING REQUESTS TO KANSAS DEPARTMENT OF TRANSPORTATION.**

Chris Cherches

City Manager reviewed the Item.

Agenda Report No. 01-0859.

As a continuation of their local partnership program, the Kansas Department of Transportation (KDOT) is requesting project submittal for the KLINK Resurfacing, Geometric Improvement, and Economic Development projects. The KLINK project requests are for fiscal year 2004 (July 1, 2003 through June 30, 2004) and the Geometric and Economic Development projects are for fiscal year 2005 (July 1, 2004 through June 30, 2005).

The Geometric and Economic Development projects were developed by the City Manager's Office, Public Works Department, Finance Department's Economic Development, and the Planning Department. Staff recommends the follow projects:

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## Geometric Improvements

## Costs

- |   |             |
|---|-------------|
| 1) Reconstruct and widen the Intersection of K-42 and Hoover Road | \$1,265,000 |
|---|-------------|

## Economic Development

## Costs

- |   |              |
|---|--------------|
| 1) Reconstruct and widen Hoover Road from from Harry to 31st Street South                       | \$10,735,000 |
| 2) Reconstruct and reconfigure Dugan, Pueblo, and Hoover Road from US-54/400 (Kellogg) to Harry | \$3,000,000  |

If approved, KDOT will participate in the cost of the requested projects, as follows:

<u>Geometric Improvements Category</u>	<u>KDOT KDOT%</u>	<u>Local Share</u>	<u>Share</u>
1) Reconstruct and widen the intersection of K-42 and Hoover	75%	\$950,000	\$315,000

If this project is awarded by KDOT, some reprioritization of funds may be necessary to make the match. The local share for this program would need to be programmed in the Capital Improvement Program in 2005.

<u>Economic Development</u>	<u>KDOT KDOT%</u>	<u>Local Share</u>	<u>Share</u>
1) Reconstruct and widen Hoover Road from Harry to 31st Street South	56%	\$6,000,000	\$4,735,000
2) Reconstruct and reconfigure Dugan, Pueblo, and Hoover Road from US-54/400 (Kellogg) to Harry	67%	\$2,000,000	\$1,000,000

If one or more of these projects are awarded by KDOT, some reprioritization of funds may be necessary to make the match. The local share for this program would need to be programmed in the Capital Improvement Program in 2005.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --  
-- carried

Knight moved that the proposed projects be approved and project submittals to KDOT be authorized. Motion carried 7 to 0.

## **BUDGET**

## **2002 ANNUAL OPERATING BUDGET AND REVISIONS TO THE 2001 BUDGET.**

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 01-0860.

The City Council has received the City Manager's Proposed 2002/2003 Budget (including tax increment financing districts). The Council is receiving public comment at its weekly Council meetings.

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The proposed 2002 annual operating budget is \$363,420,060. Interfund transactions and appropriated fund balances increase this amount to \$431,083,060. The inclusion of expendable trust funds, as required by law, is an additional \$75,825,204 for a total of \$452,235,849. The estimated mill levy for this budget would be 31.359 mills, no change from the levy for the current 2001 adopted budget.

The General Fund property tax levy is \$46,952,520 (including a delinquency allowance) at an estimated 21.359 mills. The levy for the Debt Service Fund is \$21,982,550 (including a delinquency allowance) and is estimated at 10.000 mills.

The dollar amounts, after they are set in the published notice of hearings on the proposed budget, cannot be exceeded, although the City Council may determine subsequently to reduce the mill rate. Formal hearing and adoption of the budget is scheduled for August 14. If subsequent actions result in an increase to the budget, a process of republication, hearings and certification will be required.

In addition to action on the 2002 Budget, it is requested that action be taken to amend the 2001 adopted budget – as contained in the proposed budget submitted to the City Council:

1. The Debt Service Fund (DSF) is increased \$24,248,430. Temporary note financing was increased to allow the retirement of debt on a pay-as-you-go basis, and to provide up-front financing for a cash defeasance that will take advantage of favorable markets and save the City money by reducing future debt service obligations. Appropriated reserves are included to provide flexibility for additional capital projects.
2. The Tourism and Convention Fund (T&C Fund) is increased \$375,370, reflecting the net impact of the Tourism Initiative and reprogramming unexpended project funds for Century II/Expo Hall. The Tourism Initiative includes additional funding for the Wichita Convention and Visitors Bureau, tourism research and marketing" and development of a community tourism website.
3. The Special Alcohol Programs Fund increases \$552,070 for research and development incentives to encourage innovation and new ideas from providers in service delivery to treatment clients. These resources will be distributed in conjunction with the outcomes measurement process.
4. The Gilbert and Mosley Tax Increment Financing (TIF) Fund increase of \$5,359,480 is due to acceleration of the project's construction schedule, per City Council approval, and the addition of several new amenities (education center, interpretive stream, aquarium). Some increases are also related to legal fees required to collect contributions from potentially responsible parties (PRPs).
5. The North Industrial Corridor TIF Fund increases \$183,250 to provide a reserve in the fund for future debt service needs associated with remedial design/construction. Holding this amount for future needs will ensure that debt issuance is minimized in the latter half of the project term, thereby reducing pressure to increase revenue from the TIF (property taxes).
6. The East Bank, Old Town, and 21st and Grove TIF Funds increases are due to a re-projection of TIF revenue production based on history and revised district growth models.
7. The Sewer Utility Fund increase of \$2,463,090 is due to increased operational and capital expenditures related to the acquisition of the County Sewer District facilities (including 4-Mile Creek).
8. The Water Utility Fund increase of \$1,184,060 relates to revised debt service numbers for new and accelerated projects, such as the Water Distribution facility relocation and the East Pressure Zone project. System growth on the outskirts of the City has accelerated the need for some critical supply and distribution projects.
9. The Information Technology Fund (IT) is being amended \$1,967,780 due to several technology projects, including a replacement Local Area Network (LAN), additional services provided in support of Mini City Halls, positions transferred from Finance and Library, and implementation of the Tourism Initiative web site.
10. The Equipment Motor Pool Fund (Fleet) is increased \$4,964,640. Due to the continuing fluctuation in fuel prices, a contingency of \$500,000 is included for increased fuel costs. Also, to provide consistency in fund presentations, \$1 million is included for the cost of materials purchased by Central Stores (for resale to other City operations). Finally, appropriated reserves are included to fund implementation of the Fleet Study once an implementation plan has been developed and approved.



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11. The Stationery Stores Fund requires an additional \$182,230 due to increased utilization of the centralized stores function and increased costs for outside services. The increase is substantially offset by higher revenues.

Publication of the notice of formal hearing will set the maximum dollars that may be expended in each fund. The City Council may subsequently reduce expenditures required (and proposed tax dollars to be levied) but not increase them.

As required by law, the proposed budget will be published with appropriated balances. State statutes require formal public hearings prior to approval of the annual operating budget and for budget amendments of published funds. The 2002 Budget must be adopted by the City Council on August 14, and will be filed with the County Clerk by the statutory date of August 25.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Karl Peterjohn

Karl Peterjohn spoke regarding budget increases in contractals, professional services, and materials. Mr. Peterjohn said the budget would cost every citizen of Wichita approximately \$1,000 per year.

Ray Trail

Director of Finance explained that the State Office Building Fund shows appropriated reserves. The Contractals and Commodities reflect changes in the manner of how the City does business. The City is doing more contract out-services. The Water and Sewer budget projects the high rate on increase; however, Staff is working to see if the increase can be reduced substantially. There are some increases that are due to rehabilitation of systems, and there is also facility expansion. The City has also taken on the previous County sewer district – Four-Mile Creek. This remains a prudent budget. Many revenue streams are also lower compared to the increase in the property tax revenue stream.

Motion --

Knight moved that the comments be received; the public hearing on the proposed 2002 Budget and Tif Districts be set for August 14, 2001, and the Ordinances be placed on first reading. Motion carried 7 to 0.

-- carried

## ORDINANCE

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas for the year beginning January 1, 2002, and ending December 31, 2002, and relating thereto, and concurrently approving certain amendments to the 2001 adopted budget, introduced and under the rules laid over.

## ORDINANCE

An Ordinance making and filing an increment in Ad Valorem Taxes for the Gilbert and Mosley Site Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2002, and ending December 31, 2002, introduced and under the rules laid over.

## ORDINANCE

An Ordinance making and filing an increment in Ad Valorem Taxes for the North Industrial Corridor Redevelopment District, City of Wichita, Kansas for the fiscal year beginning January 1, 2002, and ending December 31, 2002, introduced and under the rules laid over.

## ORDINANCE

An Ordinance making and fixing general tax levy for the Downtown Wichita Self-Supported Municipal Improvement District for the year beginning January 1, 2001, and ending December 31, 2001, introduced and under the rules laid over.

## CITY COUNCIL AGENDA

### APPOINTMENTS

### APPOINTMENTS

Motion --

-- carried

Brewer appointed Mike Hill (Police and Fire Retirement) and Mike Bellinger (WER) and moved that the appointments be approved. Motion carried 7 to 0.

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## CONSENT AGENDA

Knight moved that the Consent Agenda be approved in accordance with the recommended action shown thereon. Motion carried 7 to 0.

## **BOARD OF BIDS**

### **REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 23, 2001.**

Bids were opened July 20, 2001, pursuant to advertisements published on:

2001-2002 CDBG sidewalk improvements - north of Douglas, east of Seneca. (472-83399/602375 /800101) Traffic to be maintained during construction using flagpersons and barricades. (Districts I and VI)

McFadden Construction - \$90,287.00 (Engineer's estimate)

Tara Falls, from the south line of Michelle to the south line of Lot 42, Block A, Tara Falls Addition; Tara Falls Court, from the south line of Tara Falls to and including cul-de-sac; and Tara Falls Court, from the north line of Tara Falls to and including cul-de-sac to serve Tara Falls Addition and Tara Falls Second Addition - south of Harry, west of 127th Street East. (472-83374/ 765679/ 490790) Does not affect existing traffic. (District II)

Ritchie Paving - \$238,014.10

12 inch water line in 37th Street North across the Little Arkansas River - 37th Street North between Amidon and Arkansas Avenue. (448-89438/633718 /750560) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

Nowak Construction - \$128,450.00

Lotus, from the east line of Maize to the south line of Lydia; Lydia Circle/Lydia, from the west line of Crestline to and including cul-de-sac; Lotus Court, from the south line of Lotus, to and including cul-de-sac (Lots 76-80, Block 1); and Lotus Court, from the south line of Lotus to and including cul-de-sac (Lots 61-75, Block 1).sidewalk along Lotus/Lydia, Shelly's Orchard - east of Maize, north of Pawnee. (472-83326/765678/490789) Does not affect existing traffic. (District V)

Kansas Paving Company - \$287,032.70

Paving Woodchuck from Learjet Way to Kellogg and Learjet Way from Mid Continent Drive to 1800 feet west of Mid Continent Drive - south of Kellogg, east of Tyler. (472-83286/706808/500960/635635 /500950/201273/451225/761694) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Cornejo & Sons Construction - \$506,807.45 (Base bid/Groups 1,2,and 3)

Lateral 309, Four Mile Creek Sewer to serve Smithmoor 10th Addition - south of Harry, west of Greenwich - 468-83281/743877/480565. Does not affect existing traffic. (District II)

Utility Contractors - \$96,643.00

Second Street North, Woodlawn to Highland; Norfolk, Douglas to Park Hollow Street reconstruction (Eastborough Improvements - north of Douglas, East of Edgemoor. (472-83395/702291/401258) Traffic to be maintained during construction using flagpersons and barricades. (District II/Eastborough)

Cornejo & Sons Construction - \$200,000.00 (Engineer's estimate)

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

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PUBLIC WORKS DEPARTMENT/FLEET & BUILDINGS DIVISION: Telescoping Steel Sign Post System. (130847)

Unistrut Corporation - \$ 5.32 (Item 1/per each)  
\$ 6.08 (Item 2/per each)  
\$ 6.84 (Item 3/per each)  
\$ 7.60 (Item 4/per each)  
\$11.22 (Item 5/per each)  
\$ 4.26 (Item 6/per each)  
\$ 4.62 (Item 7/per each)  
\$ 2.31 (Item 8/per each)  
\$ 2.58 (Item 9/per each)  
\$ .45 (Item 10/per each)

PUBLIC WORKS DEPARTMENT/MAINTENANCE DIVISION: Traffic Signal Lamps. (130849 & 133217)

Star Electric Supply, Inc. - \$ .98 (Item 1/per each)  
\$1.24 (Item 2/per each)

PUBLIC WORKS DEPARTMENT/STORM WATER MANAGEMENT: Rip-Rap. (133116)

Wittwer Transportation Services Inc. - \$81,950.00 (Total net bid)

AIRPORT DEPARTMENT/OPERATIONS DIVISION: Ice Control Material Spreader. (190017)

Midwest Truck Equipment Inc. - \$8,743.00 (Total net bid)

PARK & RECREATION DEPARTMENT/RECREATION DIVISION: Golf Carts. (170241)

EZGO Kansas City - \$29,664.00\*

\*Order 12 each additional carts @\$2,472 each for a total net bid of \$29,664  
Approved by City Council on 03-06-2001.

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

## LICENSES

### APPLICATION FOR LICENSES FOR ADULT ENTERTAINMENT ESTABLISHMENTS /SERVICES:

#### Renewal Adult Entertainment:

Valerie Washington	Xcitement Video	220 East 21st Street
Valerie Washington	Xcitement Video	3909 West Pawnee

Motion -- carried

Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

#### Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2001</u>	<u>(Consumption on Premises)</u>
Richard Diamond	Ty's Diner Inc.*	928 West Second

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(Consumption off Premises)

David Bullington	Wal-Mart Supercenter #1507	3030 North Rock Road
Benjamin J. Schultz	T&E Oil Co., Inc. dba Pantry + #11	3935 North Broadway

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion -- carried Knight moved that the licenses be approved subject to Staff approval. Motion carried 7 to 0.

## **PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.**

There were no Subdivision Plans and Specifications submitted.

## **PRELIMINARY ESTS. PRELIMINARY ESTIMATES:**

- a) Pave 24th Street North, from the east line of Hood to the west line of Payne to serve Theising's First Addition - south of 25th Street North, west of Arkansas. (472-83331/765675/490786) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$35,000
- b) 24th Street North, from the east line of Payne to the west line of Salina to serve Theising's First Addition - south of 25th Street North, west of Arkansas. (472-83332/765676/490787) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$35,000
- c) Glen Wood from the north line of 13th Street to the south line of Edgewood; Birchwood from the east line of Glen Wood to the east line of Lot 5, Block 7; Glen Wood Court, serving Lots 34 through 37, Block 4, from the west line of Glen Wood to and including the cul-de-sacs; Glen Wood Court, serving Lots 31, 32, and 33, Block 4, from the west line of Glen Wood to and including the cul-de-sac; Sidewalk on the east side of Glen Wood from the north line of 13th to the south line of Edgewood and on the north side of Birchwood from the east line of Glen Wood to the east line of Lot 5, Block 7 to serve Rocky Creek Addition - north of 13th Street North, east of 127th Street East. (472-83035/765680/490791) Does not affect existing traffic. (District II) - \$382,800
- d) Lateral 66, Main 9, Sanitary Sewer 23 to serve Whispering Brook Commercial Second Addition - south of 37th Street North, west of Woodlawn. (468-83220 /743876/480564) Does not affect existing traffic. (District I) - \$34,000
- e) Water Distribution System to serve Smithmoor 10th Addition - south of Harry, west of Greenwich. (448-89595/735019/470689) Does not affect existing traffic. (District II) - \$51,900.00
- f) Air Cargo and Crossfield Roads Rehabilitation. \$320,000

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

## **EASEMENTS EASEMENTS:**

- a) Utility Easement dated June 29, 2001 from Larry D. Fleming for tracts of land in Lots 1 and 2, Block 1, YMCA South Addition, an addition to Wichita, Sedgwick County, Kansas (SED 163, OCA #751298). No cost to City.
- b) Utility Easement dated July 3, 2001 from COF, LLC for a tract of land in Lot 3, Block 1, YMCA South Addition, an addition to Wichita, Sedgwick County, Kansas (SWD 163, OCA #751298). No cost to City.
- c) Drainage Easement dated July 24, 2001, from City of Wichita for Shelly's Orchard Phase I street improvements - in Pawnee Prairie Park. (OCA#202521)

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Motion -- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized

## IMPROVEMENTS

### **PETITIONS FOR SANITARY SEWER AND WATER DISTRIBUTION SYSTEM TO SERVE WESTLINK CHRISTIAN CHURCH ADDITION – SOUTH OF 21ST, WEST OF MAIZE.**

(District V)

Agenda Report No. 01-0861.

The Petitions have been signed by one owner, representing 100% of the improvement districts.

These projects will provide sanitary sewer and water service to a new church building on the west side of Maize Road, ¼ mile south of 21st.

The Petitions total \$74,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

#### RESOLUTION NO. 01-296

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89602, (south of 21<sup>st</sup>, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

#### RESOLUTION NO. 01-297

Resolution of findings of advisability and Resolution authorizing improving of Lateral 473, Southwest Interceptor Sewer (south of 21<sup>st</sup>, west of Maize) 468-83302, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

### **WHISPERING BROOK PETITION TO CONSTRUCT A DECEL LANE AND LEFT-TURN LANE ON WOODLAWN, SOUTH OF 37TH STREET NORTH TO SERVE WHISPERING BROOK COMMERCIAL SECOND ADDITION.** (District I)

Agenda Report No. 01-0862.

On February 27, 2001, the City Council approved a Petition to construct a decel lane and left turn lane on Woodlawn, south of 37th Street North. Based on recent bid prices, the budget set by the Petition is not sufficient to award a construction Contract. The developers have submitted a new Petition with an increased budget. The Petition has been signed by four owners representing 100% of the improvement district.

The project will provide paving for a new commercial development on the west side of Woodlawn, south of 37th Street North.

The original Petition totaled \$210,000. The new Petition totals \$322,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

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Motion -- carried

Knight moved that Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 01-298

A Resolution amending Resolution No. R-01-084 pertaining to the improving of decel lane and left turn lane in Woodlawn from 37<sup>th</sup> Street North to Brookview (south of 37<sup>th</sup> Street North, west of Woodlawn), Project No. 472-83329, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

**SANITARY SEWER**

### **PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE AN UNPLATTED TRACT ON THE EAST SIDE OF GREENWICH, SOUTH OF KELLOGG.** (District II)

Agenda Report No. 01-0863.

The Petition has been signed by two owners, representing 100% of the improvement district.

This project will provide sewer service to a home at the southeast corner of Orme and Greenwich.

The Petition totals \$10,200. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that Petition be approved and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 01-299

Resolution of findings of advisability and Resolution authorizing improving of Lateral 24, War Industries Sewer, (south of Orme, east of Greenwich) 468-83303, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

**BOARDS MINUTES**

### **MINUTES OF ADVISORY BOARDS/COMMISSIONS:**

Wichita-Sedgwick County Board of Health, June 14, 2001  
Metropolitan Area Planning Commission, June 21, 2001  
Board of Electrical Appeals, June 12, 2001  
Police and Fire Retirement System, May 16, 2001  
Board of Park Commissioners, June 11, 2001  
District Advisory Board VI, June 4, 2001  
Wichita Employees' Retirement System, May 16, 2001  
Office of Wichita Public Library, June 21, 2001  
Metropolitan Area Planning Commission, June 7, 2001  
Housing Advisory Board, May 22, 2001

Motion -- carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

**STREET CLOSURES**

### **CONSIDERATION OF STREET CLOSURES/USES.**

Agenda Report No. 01-0880.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

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The following street closure requests have been submitted:

Automobilia's Moonlight Car Show & Street Party  
Saturday, July 28, 2001; 2:00 p.m. to 12:30 a.m.

- First Street from Mosley to Broadway
- Topeka from Douglas to Second
- Emporia from Douglas to Second
- St. Francis from Douglas to Second
- Mead from Douglas to Second
- Rock Island from Douglas to Second

Inasmuch as possible, event sponsors are responsible for all costs associated with special events.

Motion -- Knight moved that the street closure requests be approved subject to: (1) Event sponsors notifying every property and/or business adjoining any portion of the closed street; (2) Coordination of event arrangements with City Staff; (3) Hiring off-duty public safety officers as required by the Police Department; (4) Obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; (5) Submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 7 to 0.

-- carried

**GILBERT MOSLEY**

## **GILBERT AND MOSLEY ENVIRONMENTAL CENTER AMENDMENT - CAMP DRESSER & MCKEE.**

Agenda Report No. 01-0864.

A contract for consulting services for the Gilbert and Mosley Project was finalized in December, 2000 and included funds for the remediation system and design and construction of a basic treatment system, as presented in the Gilbert and Mosley Final Design Report. A review of the design and comments from representatives of various community, environmental organizations and agencies (Park Department, School District, Board of Health, Nature Center, Citizen's Technical Review Committee and the Design Council) provided input that lead to the proposed concept of the treatment facilities. On May 22, 2001, the City Council reviewed the architectural design concept for the treatment facilities and the water features, environmental education displays, and historical references representative of the Gilbert and Mosley project as recommended in the plan. The proposed contract amendment will authorize funds for the design/construction of the project and for additional project activities, as required.

The proposed Contract Amendment will provide the following services:

- 9a-litigation support, source area investigations, as required by the KDHE agreement, remediation construction and design activities and necessary construction for the remediation design for the clean-up of the ground water in Plumes ABE
- 9b-building design/construction

This contract amendment is necessary in order to meet scheduling requirements and to keep the construction project and remediation time schedule as required by the State and in line with the proposed clean-up facilities.

The total requested funds for Amendment 9 are \$ 6,616,447.00 (9a = \$735,593 and 9b = \$5,880,854.). All of the costs for the contract amendment of 9a9b are budgeted and will be funded through the Gilbert and Mosley TIF.

Motion -- Knight moved that the Contract amendments and design/build project be approved, and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

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## AIR EMISSIONS

### AIR EMISSION INVENTORY – ENVIRONMENTAL HEALTH.

Agenda Report No. 01-0865.

Urban ground level ozone concentrations over the past decade are gradually increasing. Conversely, emissions from fixed sources i.e.; manufacturing facilities, have been greatly reduced over the past ten years due to stricter emission controls and facility inspection techniques. Based on these trends it is time to now quantify and identify mobile and area sources i.e.; air emissions from vehicles, fueling and storage operations. Stricter EPA air standards for ozone, and a recent Supreme Court decision supporting the EPA's effort to enforce these ozone standards, dictates the need to develop a more detailed local pollution source inventory. Compliance with federal air standards is critical to community health, economic development, transportation and highway funding and general overall growth. As a first step in examining local air quality in more detail the Kansas Department of Health and Environment (KDHE) has provided a Supplemental Environmental Project (SEP) grant to the local Air Quality program to develop an emission inventory of ozone precursor compounds in the Wichita-Sedgwick County urban area. Conducting this emission inventory will identify which mobile and area sources contribute significantly to ground level ozone formation and air quality degradation.

In cooperation with KDHE a Request For Proposals (RFP) for this project fifty-one (51) environmental firms nationwide. A staff screening and selection committee reviewed the responding firms and conducted interviews in accordance with City of Wichita administrative policy and procedures. The committee's recommendation for the proposed study is the firm of E.H. Pechan. Information from the study will be utilized to develop various air pollution reduction strategies. Successful reduction of emissions will minimize health risks and assure continued compliance with federal Clean Air Act requirements.

The proposed project will be funded by a KDHE grant.

Law Department staff will participate in the contract negotiations.

Motion --

Knight moved that Staff be authorized to negotiate the Contract with E.H. Pechan for the purpose of conducting the Air Emissions inventory; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

## UTILITY RELOCATE RELOCATION OF UTILITIES ALONG WOODLAWN, SOUTH OF 37TH STREET NORTH. (District I)

Agenda Report No. 01-0866.

On August 17, 1999, the City Council approved a Petition to improve access to an apartment complex and retail area in Brush Creek Third Addition. Resolution R-00-313 authorized the construction of a left turn lane and accel/decel lane at Woodlawn, south of 37th Street North. Utilities will need to be relocated as a part of this project.

Estimated costs to relocate KGE lines are \$113,423.00.

Funds are available in the project to provide for utility relocation costs. The funding source is special assessments.

Motion --

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried



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## **BNSF RAIL COR.**

### **CONCEPTS DEVELOPMENT FOR BNSF RAIL CORRIDOR.**

Agenda Report No. 01-0867.

A proposed abandonment of the Burlington Northern Santa Fe (BNSF) east line rail corridor is anticipated in the very near future. The limits of the abandonment are expected to be from the Sedgwick-Butler County Line to approximately 13th Street North and Washington Street in Wichita. Consulting services from Baughman Company, P. A. are proposed to be used to assist staff in the development of a plan for multi-purpose conservation use as an alternative to railroad abandonment.

The rail line proposed for abandonment is identified as a proposed greenway in the Parks and Open Space Master Plan. The proposed contract will include provisions for a proactive process in seeking input and support from the community, including impacted neighborhoods adjacent to the corridor. Utility investments existing (and/or planned) within this corridor will also be considered.

The contract is for an amount not to exceed \$60,000. Federal transportation planning funds available to the Planning Department will be used to fund this contract. No local funds are necessary.

Motion --  
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.  
Motion carried 7 to 0.

## **GO BONDS**

### **REDEMPTION OF GENERAL OBLIGATION BONDS (SERIES 736).**

Agenda Report No. 01-0868.

City of Wichita Ordinance No. 42-463 authorized the issuance of \$12,750,000 in General Obligation Bonds (Series 736; dated August 1, 1994). All Series 736 bonds still outstanding as of September 1, 2001, are eligible for redemption and payment prior to their respective maturities as set forth in Section 3 of the Bond Ordinance.

Analysis of the outstanding bonds indicates that Series 736 Bonds could be redeemed with significant savings to the Debt Service Fund. Bonds eligible for redemption that mature after their first call date can typically be called at a price equal to 101% of the principal amount thereof, plus interest thereon accrued and unpaid to the redemption date. Because the call date is September 1, 2001, we are able to call the bonds at the premium price without additional accrued interest. A minimum of thirty days notice of the City's intent to call the outstanding bonds prior to their stated maturities must be given to all bond holders and Material Event Notices must be sent to the Nationally Recognized Municipal Securities Information Repositories (NRMSIRs) and the Municipal Securities Rulemaking Board (MSRB).

The Series 736 Bonds can be called on September 1, 2001, at a redemption price of 101% in the amount of \$8,140,600 (consisting of \$8,060,000 in principal and \$80,600 in premium). The annual savings to the Debt Service Fund is approximately \$1,270,000, principal and interest for a net savings of approximately \$2,023,955.

Bond Counsel has prepared the redemption notice and will review the Material Event Notice.

Motion --  
-- carried

Knight moved that Staff be authorized to take necessary actions to implement the Bond redemption.  
Motion carried 7 to 0.

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**IRB - LINCOLN MDS. INDUSTRIAL REVENUE BOND PURCHASE OPTION – LINCOLN MEADOWS, INC.**  
(District II)

Agenda Report No. 01-0869.

On April 2, 1991 the Wichita City Council approved the issuance of \$5.1 million in Industrial Revenue Bonds, Series III, 1991. Bond proceeds were used for the purpose of acquiring, developing, constructing, furnishing and equipping a multifamily rental housing facility, located at 9000 E. Lincoln in southeast Wichita.

Under the provisions of the Lease Agreement the Tenant has the option, if all outstanding bonds and Trustee Fees have been paid, to purchase the facility from the City of Wichita for the sum of \$100. The City received notice of the Tenant's request to call outstanding bonds and of the company's intention to exercise its purchase option on or before August 15, 2001.

Under the terms of the Lease, the City is required to convey the property securing the IRB issue to the Tenant, once the Tenant has paid the purchase price and other considerations as listed under the provisions of the Lease Agreement, including the payment of all outstanding bonds.

The purchase price is \$100 and other considerations as listed under the provision of the Lease Agreement to redeem and retire all outstanding bonds. This price includes without limitations, principal, interest, redemption premium, and all other expenses of redemption, and trustee fees, but after the deduction of any amounts described and provided for in the Lease Agreement and available for such redemption.

The City is contractually bound to convey the IRB Project property to the Tenant by special warranty deed, once all the conditions established in the Lease have been met. The City Attorney's Office has approved the form of the Resolution to authorize the execution of the Special Warranty Deed and the Termination and Release of Lease Agreement, and the delivery of such documents following satisfaction of applicable conditions.

Motion --  
-- carried

Knight moved that the Bond call be authorized; the Resolution be adopted; and the necessary signatures be authorized. Motion carried 7 to 0.

## RESOLUTION NO. 01-300

A Resolution of the City of Wichita, Kansas authorizing the City to convey Title to the Project; authorizing execution of a Special Warranty Deed, Bill of Sale and Termination and Release of the Lease; and authorizing the execution of all such other documents necessary to convey Title to such project to Lincoln Meadows, Inc. presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

**PROPERTY ACQ. ACQUISITION OF PORTION OF 11430 WEST KELLOGG FOR THE WEST KELLOGG**  
**TYLER AND MAIZE HIGHWAY IMPROVEMENT PROJECT.** (District V)

Agenda Report No. 01-0870.

In November 1999, the City Council approved Ordinance 44-429 authorizing funding for the Kellogg/Tyler & Maize Highway project. This approval authorized staff to initiate acquisition of needed parcels. One acquisition is a portion of the property located at the 11430 West Kellogg which is owned by Mary Lou Cryer. The total ownership contains 43,560 square feet, is zoned Limited Industrial and is improved with a 1,647 square foot single-family residence and a 16-unit motel. The acquisition parcel is the south 20 feet of the tract and contains 3,300 square feet.

The appraiser estimated the value of the acquisition at \$50,000. The land was valued at \$11,550 (\$3.50 per square foot), \$6,025 in cost to cure and \$32,425 in damages. The acquisition will make the parking area too small to accommodate semi-trailer truck parking. Site configuration prevents this parking

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being replaced elsewhere on the site. This effectively eliminates truckers as cliental. Per the owner, half of the business was from truckers, resulting in \$75,000 in damages and a total value of \$92,000. A settlement amount of \$62,500 has been agreed to. Eminent domain has been initiated on the tract and will be halted with the settlement.

Funds for land acquisitions have been budgeted in the 2000 Capital Improvement Program. The funding source will be Local Sales Tax revenues. A budget of \$65,000 is requested. This includes \$62,500 for the acquisition and \$2,000 for closing costs.

Motion --  
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized  
Motion carried 7 to 0.

## CONDEMNATIONS

### REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES.

Agenda Report No. 01-0871.

On June 25, 2001 the Board of Code Standards (BCSA) held a hearing on the following six (6) properties. These properties are considered dangerous and unsafe structures, and are being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on these structures, however, compliance has not been achieved. Pre-condemnation and formal condemnation letters were issued and the time granted has expired. No action has been taken to repair or remove these properties.

	<u>Property Address</u>	<u>Council District</u>
1.	948 West 51st Street North	VI
2.	1747 South Euclid	IV
3.	1251 North Broadway	VI
4.	2016 North Jackson	VI
5.	213 North Baehr	IV
6.	2744-48 South Vassar	III

These structures have defects that under Ordinance No. 28-251 of the Code of the City of Wichita, shall cause them to be deemed as dangerous and unsafe buildings, as required by State Statute for condemnation consideration.

Motion --  
-- carried

Knight moved that the Resolutions placing this matter on the agenda for a Hearing before the Governing body on September 11, 2001 at 10:30 a.m., be approved. Motion carried 7 to 0.

#### RESOLUTION NO. 01-290

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, at which the owner, his agent, lienholders of record and occupants of the structure located on land described as: Lot 34, First Addition to Urbandale, Sedgwick County, Kansas, known as 948 West 51st Street North, in said City may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous or unsafe structure, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

#### RESOLUTION NO. 01-291

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, Kansas, at which the owner, his agent, lien holders of record and occupants of property legally described as: Lots, 39 and 41, Block 3, Gillespie Grove Addition to Wichita, Sedgwick County, Kansas, known as 1747 South Euclid, as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## RESOLUTION NO. 01-292

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 289 and 291 on Lawrence Avenue, now Broadway Avenue, in Hyde & Ferrell's, Addition to Wichita, Sedgwick County, Kansas, known as 1251 North Broadway, as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer. Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-293

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: the south 17<sup>th</sup> feet of Lot 36, and the north 16 and 1/2 feet of lot 38, Block 3, Avondale, Addition to Wichita, Sedgwick County, Kansas, known as 2016 North Jackson, as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer. Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-294

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 10, Block 9, Orchard Park Addition to Sedgwick County, Kansas, known as 213 North Baehr, as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer. Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-295

A Resolution fixing a time and place and providing for notice of a hearing before the Governing Body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lot 52, Block J, in Plainview, known as 2744-48 South Vassar, as may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer. Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## AMEND RES/ORDS.

**AMENDING RESOLUTIONS AND ORDINANCE: WATSON PARK, NAFTZGER PARK, JOHN'S SLUDGE POND PARK STUDY, AND HYDRAULIC IMPROVEMENT.**  
(Districts I and III)

Agenda Report No. 01-0872.

On December 21, 1999, three Park Resolutions were adopted that duplicate older Resolutions. In addition, an authorizing Ordinance for the South Hydraulic Improvement, that was adopted on March 6, 2001, contains an error in the section that specifies the project financing.

Amending Resolutions and an amending Ordinance has been prepared to correct the errors.

There is no impact on project budgets.

Motion --  
-- carried

Knight moved that the Resolutions be adopted and the Ordinance be placed on first reading. Motion carried 7 to 0.

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## RESOLUTION NO. 01-301

A Resolution rescinding Resolution No. R-99-498 of the City of Wichita, Kansas, authorizing improvements to Watson Park (472-82939), pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-302

A Resolution rescinding Resolution No. R-99-519 of the City of Wichita, Kansas, authorizing improvements to Naftzger Park (440-083), pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-303

A Resolution rescinding Resolution No. R-99-504 of the City of Wichita, Kansas, authorizing improvements to John's Sludge pond (472-82972), pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance declaring Hydraulic, from 57<sup>th</sup> Street South to Macarthur (472-83324) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

## ORDINANCES

### **SECOND READING ORDINANCES: (FIRST READ JULY 17, 2001)**

- a) Issuance of Industrial Revenue Bonds – Arst Realty, L.L.C. (Goldsmith's Inc.). (District II)

## ORDINANCE NO. 45-014

An Ordinance of the City of Wichita, Kansas, authorizing the issuance of \$2,115,000 aggregate principal amount of Taxable Industrial Revenue Bonds, Series VI, 2001 (Goldsmith's, Inc. Project) for the purpose of providing funds to acquire a site and construct and equip a corporate headquarters and distribution center; prescribing the form and authorizing execution of a trust indenture by and between the City and Bank of Oklahoma, N.A., Oklahoma City, Oklahoma, as trustee with respect to the bonds; prescribing the form and authorizing the execution of a Lease Agreement by and between the City and Arst Realty, L.L.C.; approving the sublease of the project to Goldsmith's, Inc.; approving the form of a Guaranty Agreement; authorizing the execution of a bond placement agreement by and among the City, Arst Realty, L.L.C. and General Electric Capital Business Asset Funding Corporation, as purchaser of the Bonds, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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- b) Lincoln Bridge at Fabrique and 53rd Street North Bridge at the Little Arkansas River.  
(Districts III and VI)

## ORDINANCE NO. 45-015

1. An Ordinance declaring the Lincoln Bridge at the Fabrique Ditch, 472-83400, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE NO. 45-016

2. An Ordinance declaring the 53rd Street North Bridge at the Little Arkansas River, 472-83401, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of authorizing certain improvements to said main trafficway within the City of Wichita, Kansas, declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) ZON2001-00028 – Northeast corner of 37<sup>th</sup> Street North and Wormer. (District VI)

## ORDINANCE NO. 45-017

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON2001-00028

- d) ZON2001-00035 – Northwest of the West Street/Eighth Street Intersection. (District VI)

## ORDINANCE NO. 45-018

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2001-00035

- e) DR2001-07 – Proposed Amendments to the Unified Zoning Code related to parking and storage of vehicles and registration of nonconformities.

## ORDINANCE NO. 45-019

An Ordinance providing amendments to Section II-B.5a; Section 11-B.a; Section II-B.10.d.; Section II-B.13.c; Section II-B.14.c; Section II-B.14-j; Section II-B.14.r; Section III-D.7.b (11); Section III-d.7.b (12); and Section VIII-I of the Wichita-Sedgwick County Unified Zoning Code (April 19, 2001 Edition, as adopted by reference in City of Wichita Code Sec. 28.04.010 by Ordinance No. 44-975, dealing with parking and storage of vehicles and registration of nonconformities, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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f) A01-08 – West of 119th Street West, from South of 13th Street North to North of 21st Street North. (District V)

## ORDINANCE NO. 45-020

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## PLANNING AGENDA

Motion -- carried Knight moved that the Planning Agenda Items be approved as consensus Items. Motion carried 7 to 0.

**D-1769**

### **D-1769 – DEDICATION OF STREET RIGHT-OF-WAY FOR PROPERTY LOCATED ON THE NORTH SIDE OF KELLOGG, EAST OF ROCK ROAD.** (District II)

Agenda Report No. 01-0873.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. L/S-1018, and is being submitted to dedicate 10 feet of street right-of-way along Kellogg Drive.

The Dedication has been reviewed and approved by the Planning Commission.

Motion -- Knight moved that the documents be received and filed; and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

**D-1771**

### **D-1771 – DEDICATION OF UTILITY EASEMENT FOR PROPERTY LOCATED ON THE NORTH SIDE OF KELLOGG, EAST OF ROCK ROAD.** (District II)

Agenda Report No. 01-0874.

MAPC Recommendation: Accept the Dedication.

This Dedication is a requirement of Lot Split No. L/S-1018, and is being submitted to allow for construction and maintenance of public utilities.

The Dedication has been reviewed and approved by the Planning Commission. RECOMMENDED

Motion -- Knight moved that the documents be received and filed; and the necessary signatures be authorized.  
-- carried Motion carried 7 to 0.

**SUB2000-30**

### **SUB2000-30 – PLAT OF AUBURN HILLS 11TH ADDITION LOCATED EAST OF 151ST STREET WEST, NORTH OF KELLOGG** (District V)

Agenda Report No. 01-0875.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0-1)

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This plat is zoned SF-6, Single-Family Residential and GC, General Commercial.

Petitions, all 100%, have been submitted for sanitary sewer, water, drainage and paving improvements. A Certificate of Petitions has also been submitted. As required by the drainage plan for this site, a cross-lot drainage agreement, an off-site drainage easement, off-site drainage and utility easement, and an off-site street drainage and utility easement were provided.

In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. In order to allow for the platting of a street with a narrow or nonstandard right-of-way dedication, a 15-foot street, drainage, and utility easement was platted with a covenant restricting the use of easements. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, restrictive covenants, cross-lot drainage agreement, off-site drainage easement, off-site drainage and utility easement, and off-site street drainage and utility easement will be recorded with the Register of Deeds.

Motion --  
-- carried

Knight moved that the Documents and plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0

## RESOLUTION NO. 01-304

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89600, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-305

Resolution of findings of advisability and Resolution authorizing construction of Lateral 7, Main 2, Cowskin Interceptor Sewer (east of 151<sup>st</sup> Street West, north of Kellogg), 468-83296, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-306

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Drain No. 176 (east of 151<sup>st</sup> Street West, north of Kellogg) 468-83297 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-307

Resolution of findings of advisability and Resolution authorizing improving of Sandwedge Circle from the westerly line of Lot 4, Block B, east to and including the cul-de-sac (east of 151<sup>st</sup> Street West, north of Kellogg), 472-83403, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.



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SUB2001-20

**SUB2001-20 – RIDGE PORT NORTH FOURTH ADDITION LOCATED ON THE SOUTH SIDE OF 37TH STREET NORTH, EAST OF RIDGE ROAD.** (District V)

Agenda Report No. 01-0876.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

A zone change (ZON 2001-05) from SF-6, Single-Family Residential to GO, General Office has been approved for Lot 1, Block D subject to platting.

A Certificate of Petitions has also been provided. Petitions, all 100%, have been submitted for sanitary sewer, water, drainage and paving improvements. In order to provide for the ownership and maintenance of the reserves, the applicant has submitted a restrictive covenant. To provide for off-street parking for lots adjacent to narrow streets, a covenant has also been submitted requiring that four (4) off-street spaces be provided for each such lot.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions and restrictive covenants will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the ZON 2001-05 Ordinance be placed on first reading; and the Resolution be adopted. Motion carried 7 to 0.

-- carried

## RESOLUTION NO. 01-308

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89503 (south of 37<sup>th</sup> Street North, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-309

Resolution of findings of advisability and Resolution authorizing improving of Water Distribution System Number 448-89592, (south of 37<sup>th</sup> Street North, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-310

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89593, (south of 37<sup>th</sup> Street North, east of Ridge) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-311

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer 541, (south of 37<sup>th</sup> Street North, east of Ridge) 468-83165, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## RESOLUTION NO. 01-312

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 19, east of Ridge) 468-83167, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-313

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 19, Southwest Interceptor Sewer, (south of 37<sup>th</sup> Street North, east of Ridge) 468-83276, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-314

Resolution of findings of advisability and Resolution authorizing construction of Main 19, Southwest Interceptor Sewer Part 3 (south of 37<sup>th</sup> Street North, east of Ridge) 468-83300, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-315

Resolution of findings of Advisability and Resolution authorizing improving of 34th Street North from a point 600 feet east of the east line of Ridge Road, east to the east line of Lot 15, Block C, Ridge Port North 4th Addition; on Hazelwood, from the south line of the Plat, north to the south line of 34th Street North; and on Ridge Port, from the north line of 34th Street North, north to the north line of Lot 10, Block A, Ridge Port North Fourth Addition. 34<sup>th</sup> Ct. North, from the north line of 34th Street North, north to and including the cul-de-sac; and on Hazelwood Ct., from the east line of Hazelwood, east to and including the cul-de-sac. sidewalk along one side of 34th Street North from a point 600 feet east of the east line of Ridge Road, east to the east line of Lot 15, Block C, Ridge Port North Fourth Addition; and along one side Ridge Port, from the north line of 34th Street North, north to the north line of Lot 10, Block A Ridge Port Fourth Addition (south of 37<sup>th</sup> Street North, east of Ridge) 472-83275, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-316

Resolution of findings of advisability and Resolution authorizing improving of 34th Street North from the east line of Lot 15, Block C, Ridge Port North Fourth Addition, east and north to the north line of Lot 17, Block B, Ridge Port north Fourth Addition; on Brookview from the north line of Lot 17, Block B Ridge Port North Fourth Addition, north and west to the east line of Ridge Port; on Ridge Port from the south line of Brookview, south to the north line of Lot 10, Block A, Ridge Port North Fourth Addition; and on Lakeway from the north line of Brookview, north to the north line of the Plat; and on Brookview Court, from the north line of Brookview, north to and including the cul-de-sac; and sidewalk along one side of 34th street north from the east line of Lot 15, Block C, Ridge Port North Fourth Addition to the north line of Lot 17, block b, ridge port north 4th addition; and along one side of Brookview, Ridge port, and Lakeway South of 37th Street North, east of Ridge), 472-83409, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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## RESOLUTION NO. 01-317

Resolution of findings of advisability and Resolution authorizing improving of Sandplum Circle from the south line of 34th Street North, south and east to and including the cul-de-sac; and on Sandplum Court from the east line of Sandplum Circle east to and including the cul-de-sac, (south of 37th Street North, east of Ridge) 472-83410, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-318

Resolution of findings of advisability and Resolution authorizing improving of 37<sup>th</sup> Street North from the major entrance serving Lot 1, Ridge Port North Second Addition, east to the drive constructed for Lot 1, Block D, Ridge Port North Fourth Addition (south of 37<sup>th</sup> Street North, east of Ridge) 472-83411, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## RESOLUTION NO. 01-319

Resolution of findings of advisability and Resolution authorizing improving of the west half of Eisenhower from the south line of the Plat north to 34<sup>th</sup> Street North (south of 37<sup>th</sup> Street North, east of Ridge) 472-83412, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. ZON 2001-05

SUB2001-54

### **SUB2001-54 – PLAT OF PAYDAY MOTORS ADDITION LOCATED NORTH OF 47TH STREET SOUTH, WEST OF BROADWAY.** (District IV)

Agenda Report No. 01-0877.

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (9-0)

A zone change (Z-3345) from SF-6, Single-Family Residential to GC, General Commercial, has been approved for this site subject to platting. City water and sanitary sewer services are available to the site.

A petition, 100%, has been submitted for drainage improvements. A Certificate of Petition has also been submitted. As required by the drainage plan for this site, an off-site drainage agreement was provided. The plat is also subject to a Protective Overlay established by Z-3345, addressing buffering, landscape screening, uses and lighting.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petition, off-site drainage agreement, and Protective Overlay Certificate will be recorded with the Register of Deeds.

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Motion --  
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Z-3345 Ordinance be placed on first reading; and the Resolution be adopted. Motion carried 7 to 0.

## RESOLUTION NO. 01-320

Resolution of findings of advisability and Resolution authorizing construction of Storm Water Sewer No. 556 (north of 47<sup>th</sup> Street South, west of Broadway), 468, 83304, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

## ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, introduced and under the rules laid over. Z-3345

## AIRPORT AGENDA

BEVAN-RABELL

### SUPPLEMENTAL AGREEMENT NO. 2 – BEVAN-RABELL.

Agenda Report No. 01-0878.

Bevan-Rabell (originally Bevan Radio) has occupied Hangar 3, located at 1880 Airport Road on Wichita Mid-Continent Airport, since 1966. The current agreement is through May 31, 2001. The facility encompasses 24,390 sq.ft., and includes office area and hangar space. Total land area, including the facility and ramp area, is 146,380 sq.ft.

Bevan-Rabell is desirous of extending the lease agreement for an additional three years through May 31, 2004.

Current annual rent for this facility and associated land is \$53,274. The facility was appraised by Steve Martens of The Martens Companies, and he concluded that the fair market rental value is \$54,979 for the first year, \$56,507 for the second year, and \$58,110 for the third year. Staff concurs with this recommendation.

Motion --  
-- carried

Knight moved that Agreement/Contract be approved and the necessary signatures be authorized. Motion carried 7 to 0.

TRAVEL

### AIRPORT ADVISORY BOARD MEMBER TRAVEL.

Agenda Report 01-0879.

On June 5, 2001, the Wichita Airport Advisory Board adopted a resolution requesting approval of the attendance of three board members at the Airports Council International-North America Annual Conference and Exhibition, September 9-12, 2001 in Montreal.

This is the annual conference of ACI-NA, of which the Wichita Airport Authority is a member. It is being held in conjunction with the meeting of the World ACI organization. The conference is educational and informative. The Wichita Airport Advisory Board feels it is important to their function to attend such conferences.

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Because of the number of City advisory boards, the budget precludes much travel and expense for out of town trips/meetings. For this reason, the City Council is the approving authority for travel by advisory board members. Since this is not a budgeted travel, a budget exception will be necessary. The current estimated cost of this travel is \$1,900 per board member.

Discussion was had with regard to the Travel Policy and budgets. The Travel Policy limits travel to one person for meetings of this type. This is not a budgeted travel. An exception to the Policy would be required for three people to attend.

Mayor Knight

Mayor knight asked that, in the future, the Airport Advisory Board follow the Travel Policy and that, if there is to be an exception request made, there be a justifiable reason for the exception.

Motion --

Knight moved that the travel and budget exception be approved, with the understanding that this is an exception and future travel should follow the Travel Policy unless there is justifiable reason for an exception. Motion carried 7 to 0.

-- carried

RECESS

The City Council recessed at 11:04 a.m. to a Workshop Session on the Railroad Corridor Grade Separation Project and returned to regular session at 11:44 a.m.

ADJOURNMENT

The City Council meeting adjourned at 11:44 a.m.

Pat Burnett CMC  
City Clerk